

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

KEVIN BRIAN MITCHELL,

Plaintiff,

v.

Case No. 17-C-920

ANDREW MOUNGEY, et al.,

Defendants.

ORDER

Plaintiff Kevin Brian Mitchell, who is representing himself, filed this lawsuit pursuant to 42 U.S.C. § 1983, alleging that his civil rights were violated. On March 30, 2018, Mitchell filed a motion to amend and supplement his complaint to substitute the proper defendant for John Doe and to name the actual individual who put him in a headlock. The court denied Mitchell's motion without prejudice because it failed to comply with the local rule governing the amendment of pleadings. *See Civil L.R. 15(b).* In particular, Mitchell failed to file a proposed amended complaint as an attachment to his motion. The court advised Mitchell that to comply with the local rules, he should take his original complaint and substitute the new defendant's name in all of the places he references John Doe and name the proper defendant who put him in a headlock in a proposed amended complaint. ECF No. 28 at 3. Presently before the court is Mitchell's renewed motion to amend and supplement the complaint.

Again, Mitchell fails to comply with the local rules because he did not submit a proposed amended complaint to the court that contains all of his allegations. The court will not allow Mitchell to supplement his complaint with piecemeal allegations because the federal rules do not require the

court and the defendants to “forever sift through [their] pages” to determine which allegations are made against each defendant. *Jennings v. Emr*, 910 F.2d 1434, 1436 (7th Cir. 1990). The complaint and the supplemental information also make it difficult for the defendants “to file a responsive pleading and makes it difficult for the trial court to conduct orderly litigation.” *Vicom, Inc. v. Harbridge Merchant Servs., Inc.*, 20 F.3d 771, 775–76 (7th Cir. 1994).

As a result, Mitchell’s motion to amend and supplement the complaint is denied for failure to comply with Civil L.R. 15. If Mitchell chooses to file one, single amended complaint in compliance with the local and federal rules that properly names the defendants and includes all of his allegations against all defendants, he should promptly submit it for the court’s consideration. An amended complaint supersedes the prior complaint and must be complete in itself without reference to the original complaint. *See Duda v. Bd. of Educ. of Franklin Park Pub. Sch. Dist. No. 84*, 133 F.3d 1054, 1056 (7th Cir. 1998). If the amended complaint is received, the court will screen the complaint pursuant to 28 U.S.C. § 1915A.

IT IS THEREFORE ORDERED that Mitchell’s motion to amend and supplement the complaint and summons (ECF No. 29) is **DENIED**.

Dated this 11th day of April, 2018.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court